

From the Publisher

by Frances Mendenhall

Many of your readers are already familiar with WHAMO, the World-Herald Attitude Monitoring Operation. We published a monthly critique of the Omaha World-Herald for three years until last August.

The paper was a citizens' project, started and nurtured by me. It was accomplished with no budget to speak of and antediluvian equipment. We were long on determination, but lacking in polish.

Last year, my attention turned to my (nearly successful) campaign for the State Legislature. WHAMO was turned over to a team of volunteers who valiantly kept publishing until August. Now that my candidacy is behind me, it is time to start publishing again.

WHAMO is not as other papers call themselves a product; it is a project. Supporters have rallied to help us by contributing to a fund to buy some desktop publishing equipment and get us back on our feet. We depend on reader input, and right now, we especially depend on paid subscribers. We hope you will help keep Nebraska beautiful—or at least well-informed—by keeping this paper alive. Show the paper to friends. Remind them that it isn't free.

We are excited about our future. Our editor, Lynn Moorer, will be working with me. Lynn is known already for her contribution to another courageous citizens' organization, Nebraskans for the Right to Vote. Lynn is astute and experienced at uncovering stories that some would rather not have told. She has a masters degree in journal-

ism.

We also look forward to regular contributions from economist Skip Laitner, cartoonists Paul Fell and John Hayden, and nationally syndicated columnists Richard Cohen, Neal Peirce, and Colman McCarthy, as well as nationally syndicated cartoonist Mark Stamaty.

WHAMO will expand its format in May. We plan to continue printing stories every month that have been neglected by the mainstream news media. But we also want to broaden our appeal to all Nebraskans, regardless of whether they read the World-Herald. In May we will publish under the name, "The Nebraska Observer;" periodically included will be a pullout section reserved for our critique of the World-Herald, which will still be called "WHAMO."

We chose the name "The Nebraska Observer" because we admire papers in Texas and Oklahoma with similar names. The Oklahoma Observer has published for 18 years, the product of husband and wife team Frosty and Helen Troy. Frosty and Helen adopted the motto "to comfort the afflicted and afflict the comfortable." Their paper maintains its independence with no institutional advertising to speak of in a state with economic problems not unlike our own. Their readers have come to depend on them and support their paper. We will likewise need your trust.

If you have read this far, you must share our belief in the need for another voice in Nebraska, as well as the power of the "watchfulness of the citizen." Citizens can count on this paper to be their voice.

From the Editor

by Lynn Moorer

Open expression fuels the profound power of democracy. Robust discussion can clarify thinking. Worthy ideas are capable of withstanding intense light. Great healing is possible in truth-telling.

WHAMO is guided by these most basic concepts. It is nourished by commitment to accurate fairness.

That said, we must humbly acknowledge our inevitable fallibility and the reality that reckoning with differing opinions and competing interests can be messy.

Nevertheless, we intend to have a good time continuing the commitment of

WHAMO to tell the rest of the story, to delve more deeply from a different angle and to speak forthrightly, while never taking ourselves too seriously.

Making one's voice heard in a democracy can be daunting. Challenging the status quo can be uncomfortable. Yet the willingness to apply our intelligence and our conscience to the challenges facing us enables our society to survive and the citizen to prevail.

While perceptive discussion of and attention to environmental issues in Nebraska is lacking, ours will not become solely an environmentalist newspaper. However, natural resources issues will be

prominent in our coverage because such issues are newsworthy and because so much of our environment's story remains to be told.

My deep concern about the way we manage our nuclear waste in our state continues. My commitment to the right to vote remains steadfast. But my respect for balanced, fair, and accurate journalism abides.

Our coverage of the nuclear waste issue will be as scrupulously accurate as we can make it. At the same time, our coverage on that issue, and all issues, will reflect our perspective, as does any journal in our country's free marketplace of ideas. Our mis-

sion is not to engage in a colorless recitation of impersonal facts. Our goal is to enhance understanding of some of the public issues of importance—extending the capacity of our minds which may represent our most potent and valuable resources.

We are optimistic about the ability of citizens to make a difference through healthy debate, through active efforts to share responsibility for the forces which influence our lives, and by requiring our government to be accountable.

WHAMO is about citizen empowerment. Our commitment to our project is an act of hope. We invite you to join us in the adventure.

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* Survival Outlook:

WHAMO needs at least \$20/yr. from all its members who are employed.

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Nebraska Owes a Debt

Darrell Parker spent thirteen years in a Nebraska prison for the murder of his wife, a crime he says he did not commit.

Last November, the taped confession of Wesley Peery, convicted for numerous other murders, was made public following Peery's death. Peery's confession supplied extensive details that have led many to believe that Peery was indeed the killer.

Darrell Parker requested a pardon from the state of Nebraska. In December, the State Pardon Board, consisting of the Governor, the Attorney General, and the Secretary of State, turned down that request. Attorney General Robert Spire said that they based that decision on the inconclusiveness of the evidence of Parker's innocence, and the lack of constitutional authority for the Pardon Board to effectively "retry" a case.

Media in Nebraska reported extensively on the details and credibility of Peery's confession, as did media outside Nebraska. At least one paper outside Nebraska, however, took the idea farther than just that Nebraska had made a regrettable, but honest, mistake. The Des Moines Register took the position that since Darrell Parker's 1955 confession was gained by coercion, Nebraska could not even fall back on the argument of having made an honest mistake. The following article presents a much stronger case for the debt owed Parker by Nebraska than does anything we have heard out of the World-Herald or the Nebraska Pardon Board.

c 1988, the Des Moines Register. Reprinted by permission.

In December of 1955, shortly after his wife was buried, Darrel Parker, then 24 and a city parks worker in Lincoln, Neb., was arrested and tried for her murder. The trial was big news.

The prosecution had a confession and a motive, reportedly spelled out by Parker for his interrogator: His wife, 22 was "cold" to him. The defense had a witness-stand repudiation of that confession. It had witnesses who worked with Parker the morning his wife was killed and who said the recent Iowa State University graduate, who was decorating a Christmas tree, acted quite normal. That was an hour or so after leaving the home where he allegedly had just killed his wife, and where he found her body at noon.

Finally, the defense had a mystery car, seen that morning parked near the couple's house, which was located in an isolated area of a city park.

Parker was found guilty and drew a life sentence.

Since then, the case has become almost a landmark in studies of the abuse and misuse of the criminal justice system.

Parker's interrogator, according to those who later studied his case, went to work on him while he was still highly distraught over his wife's death and funeral, kept him locked in a windowless cell during endless, sleep-

less hours of questioning, threats and use of the good guy-bad guy technique of mixing friendly expressions of empathy with harsh accusations.

When he was done, he turned over to the prosecutors a brainwashed young widower who might have confessed to killing Santa Claus, Cock Robin and a whole battalion of infantry, if asked.

By now, almost no one believes Parker was guilty, let alone that he got anything approaching a fair trial. Nebraska owes the Henderson, Ia., native as humble an apology as a state is capable of rendering—but to date, it still won't even acknowledge that the original conviction was wrong. In the eyes of

Nebraska, Darrel Parker is guilty.

Nebraska owes Parker, now parks supervisor of Moline, Ill., far more than an apology—which is one reason, Parker thinks, that the state won't acknowledge reality.

In 1969, a federal court decided the confession was phony and ordered Nebraska to give Parker a new trial or set him free. Parker walked. Later, a former city employee who had worked under Parker listed Parker's wife as one of several of his murder victims.

THat could cost the state money in the form of civil damages.

Parker lost almost 15 years of his life behind bars because Nebraska got away with

tactics that would have made use of a rubber hose seem merciful. He and his family lost what savings and assets they had in their futile quest for court-room justice—because, as a long-ago student of criminal justice observed, it's so much easier to sit in the shade and rub pepper in some poor devil's eyes than to go out into the hot sun and dig up evidence.

You bet Nebraska has reason to fear a lawsuit. But in the name of justice, and however belatedly, Nebraska owes a debt—to Parker, to the concept of victim restitution, to its own sense of decency, and to its status as a member of a constitutional democracy.

Convictions of the Innocent

by Colman McCarthy

Washington. Mark Jan. 5 as a rare day for American justice. A convicted murderer in Virginia was freed when new evidence exonerated him. In Maryland, a convicted murderer won a new trial because of a prosecutor's error. Both cases reveal the arbitrariness found in homicide convictions, decisions that claim to establish guilt or innocence but which often enough are judicial rolls of loaded dice.

In Virginia, David VAsquez spent five years in prison after pleading guilty to second-degree murder rather than risk a first-degree conviction and the electric chair. Reviewing the February 1984 crime, in which a Washington woman was raped and strangled, Virginia governor Gerald G. Baliles issued a full pardon. "Exhaustive analysis" of the case verified the prisoner's claim of innocence. Not only was VAsquez interrogated unfairly by detectives after his arrest but police now believe the murder was committed by a killer currently on death row for two other homicides.

In Maryland, James Branch Wise, 43, a lifer convicted of a 1967 handgun murder, will be entitled to a new trial because a judge said the first one was unfair. A prosecutor had withheld evidence that a deal—a plea agreement—had been made with a co-defendant.

These were both potential capital cases. In different states with other judges and lawyers, Vasquez and Wise might have been executed by now. That an innocent man is now free and another to be retried because of an error in due process is more than what is popularly called the correction of a miscarriage of justice. It is a call to re-evaluate the system of laws, courts and public opinion that support either the death

penalty or the excessive harshness of mandatory life sentences.

Judge Learned Hand wrote in 1923 that, that system "Has been always haunted by the ghost of the innocent man convicted. It is an unreal dream." How unreal was recently documented in a Stanford Law Review article. It detailed the cases of 350 people sentenced to death or prison for murder from 1900 to 1985 and who were later found innocent. The authors—Hugo Adam Bedau, A Tufts philosophy professor, and Michael L. Radelet, a sociology professor at the University of Florida—report that in 40 percent of the cases an innocent person was sentenced to death and in 23 cases people were wrongfully executed. In nearly 90 percent of the cases, the government officially conceded that the conviction was an error. In seven instances, the alleged victim turned up alive. Erroneous convictions were suffered disproportionately by blacks.

The causes of error include police mistakes, suppression of vindicating evidence by prosecutors, perjury by prosecution witnesses, misleading circumstantial evidence, incompetent defense lawyers, convictions demanded by community outrage, false guilty pleas made by defendants, improper influence of a key witness, and sloppy judges.

Convicted murderers, almost always friendless to begin with, inevitably need outside intervention. "The criminal justice system," authors write, "is not designed to scrutinize its own decisions for a wide range of factual errors once a conviction is obtained. Our data show that it is rare for anyone within the system to play the decisive role in correcting error. Even when

actors in the system do get involved, they often do so on their own time and without official support or encouragement. Far more commonly, the efforts of persons on the fringe of the system, or even wholly outside it, make the difference. The coincidences involved in exposing so many of the errors and the luck that is so often required wupest that only a fraction of the wrongly convicted are eventually able to clear their names." Or save their lives.

Some who believe that the more than 7,000 executions in the 20th century are noble expressions of American justice are not swayed to rethink their positions because innocent people have been killed. Ernest van den Haag, an ardent champion of killing killers, said that the 23 wrongful executions uncovered by the Stanford authors are, "If true, a very acceptable number. All human activities—building houses, driving cars, playing golf or football—cause innocent people to suffer wrongful death, but we don't give them up because on the whole we feel there's a net gain. Here, a net gain in justice is being done."

Van den Haag hasn't speculated on how many innocent people have to be killed before a net loss occurs. Fifty, 100, 200? Nor has he explained the muddleheadedness of equating the risks assumed by house builders or golfers with the choices of a falsely accused criminal whose actions had nothing to do with risk because he was innocent in the first place.

In the United States, the only Western nation with the death penalty, there are politicians, judges and prosecutors who make their reputations by working to execute the guilty. The genuine heroes are those who work to free the innocent.

The Drug Czar's Addiction

by Colman McCarthy

Washington. One of the breathtaking athletic sights in Washington was William Bennett when he ran every September in the annual Nike Challenge, a three-mile foot race. Runners from Congress, the executive and the media competed. In the times I saw him there, Bennett, well over 200 lbs., finished far back in the field among the 9 and 10 minutes-a-mile stragglers. He came over the finish line in such sweaty exhaustion that it looked as if he had just run the uphill Pike's Peak Marathon, with Willard Scott piggyback.

Last week, I understood. Bennett announced he was a smoker, a two-pack-a-day man, it turns out. The occasion was his nomination to head the government's anti-drug program. He promised to stop smoking.

While awaiting next fall's three-miler for the athletic results of Bennett's conversion, the public should watch for what truly matters: Will the drug czar's personal choice become a policy choice? Will his own war on the nicotine drug be part of his administration's war on cocaine, crack, heroin and the rest?

George Bush, when launching Bennett's new career, called drugs "a terrifying, insidious enemy." Two days before, some of that insidiousness was on display in the Surgeon General's report on cigarettes. In 1985, smoking killed 390,000 Americans, a lethality greater than AIDS, car crashes, murders, heroin, cocaine and suicide combined. Smokers are not perceived as drug addicts. But everyone except tobacco-state politician and the Tobacco Institute--the Flat Earth Society of the 1980s--recognizes cigarettes as the nation's leading form of drug dependence.

Does Bennett? No word yet. His Senate confirmation hearings are the time to find out. As secretary of education, he was headstrong and mouthstrong on how to fight illegal drugs. He cheered Operation Black Furnace, the Reagan administration's 1986 helicopter blitz into Bolivian jungles. He saluted this kind of paramilitary approach, saying the United States "should do to the drug barons what our forces in the Persian Gulf did to Iran's navy." A similarly simplistic approach was advocated at home: We need "more" resources for police, more prosecutors, more convictions.

tions." And more jails, more prisons, more shouting and more wheel-spinning.

Bennett's thinking on drugs was smoke out of a loose cannon. What's different now is that he appears to have been overtaken by a moment of introspection--seeing the foolishness of militarily fighting drugs while addicted to the deadliest one himself. So he's trying to stop, after repeated failures common to heavy users.

The public is surely willing to be Bennett's support group. It is likely to support him more if he tries to help everyone else--smokers and potential smokers--to decrease the national addiction. Attacking the nicotine drug demands a greater courage and integrity than breaking down doors of pushers or unleashing German shepherds to sniff suitcases at customs. C. Everett Koop has done much to educate and arouse, but he can't do it alone.

Unlike the drug cartels of Colombia or Miami, the nicotine cartel has a clean cover that obscures the killing power of cigarettes: The advertising and marketing outlets of the industry. Bennett, who professed as secretary of education his high regard for Western ethics, now has the chance

to examine the ethics of nicotine marketing. What will Bennett, Mr. Outspoken, be saying to newspaper and magazine publishers who accept tobacco ads, with the cop-out that the text carries a health warning? Publishers know that cigarettes are the No. 1 killer. Does the journey to corporate profits take a detour on tobacco road?

Will Bennett go after the owners of sports arenas about the cigarette ads that line everything from outfield walls to the mid-court rafters? What will he tell the outdoor advertising industry that places cigarette billboards near schools and playgrounds?

Through saturation advertising, cigarette companies, the nation's only legitimate sellers of a drug whose use kills or injures, maintain a raw power. An estimated 3,000 new smokers are recruited daily. Nancy Reagan leaves Washington saying that "cigarette smoking is as addictive as drugs or alcohol." Had she said that eight years ago, her war on drugs might have included nicotine.

Bennett's opportunity is both personal and professional: stopping his addiction while fighting with all his power the addictions of others.

Whistleblower...

(continued from page 1)

was denied permission by Nebraska's Accountability and Disclosure Commission to campaign against Initiative 402, in December, 1987, used a study "to determine initial reactions and opinions" about a low-level nuclear waste dump in the state. A review of the study results shows that the themes and "copy points" suggested in the study were incorporated into the power company's "informational" campaign and enunciated by the spokespersons identified most believable such as "environmental groups" and "university experts."

NPPD spokesman Ron Bogus says the Los Angeles public relations company Winner/Wagner & Mandabach, hired by the opponents of 402, commissioned a study in early 1988 for use in its advertising campaign.

Bogus says NPPD is currently studying the six counties which were named by US Ecology as top candidates prior to its January 18 naming of the three finalist counties. Bogus says, "We're trying to learn perceptions so the District knows what it needs to do in educating on low-level radioactive waste."

Paton: No "spying" on citizens

Despite the parallels between the characteristics of the three finalist counties and the Cerrell "least resistant" profile, US Ecology Vice-President Rich Paton says he is not familiar with the Cerrell report and that his company has never done market research. He says that while he has been aware of NPPD's studies, he has not been privy to the study results.

"I would want to know what they're using it for," says Paton. "I don't want a third

or fourth party spying on someone." Asked if the information NPPD gathered was being used to spy on citizens, Paton declined comment.

DEC Director Grams says he also was aware of NPPD's studies but that DEC did not participate in their design or have access to the results.

Paton says that US Ecology's Omaha PR firm Leslie Associates will be conducting a study to identify "the issues of concern" that need to be addressed. He says the issues raised in the public meetings held

recently in the three finalist counties are "not representative."

Paton says that the issues identified in the study will then be addressed by "recognized sources." Asked if persons on both sides of an issue will be included, Paton said, "Not necessarily. You have to understand that we have a particular goal in mind: we want to site a facility."

Diane Burton says it is clear that US Ecology's siting strategy focuses on finding people who have few concerns about a nuclear

dump. "The whole process is following the path of least resistance," she says.

EPA's Kaufman says that citizens need not remain "patsies." "Even with lots of cash to throw around for elected officials, for the best lawyers and lobbyists, he says the well-heeled corporations with "fancy public relations con men" can be defeated by an aware public." He says it is the job of citizens to educate their neighbors "so they'll no longer be patsies to this sophisticated con."

Cerrell Profile

	Most Resistant	Least Resistant	Boyd County	Nemaha County	Nuckolls County
Region	Northwest, West, Calif.	South, Midwest			
Size	Large, esp. over 249,999 pop.	Small, usually under 25,000 pop.	3,331	8,367	6,726
Community	Urban	Rural	Rural	Rural	Rural
Party	Democratic	Republican	R 57.9% D 37.3%	R 53.8% D 39.2%	R 49.1% D 45.9%
Occupation	Housewife, Professional	Rancher or farmer business related technology related nature exploitive	Agri culture	Service Agri culture	Service Agri culture

"Pressure from a Few Powerful Men"

Downtowner: Keep Convention Center Here

by Eileen Ratigan

The author is a founding member of Omaha's Downtown Residents' Association.

Douglas County Board is all ready to buy Ak-Sar-Ben using our tax dollars as collateral. They need enabling legislation, LB 365, by the Legislature, which they have introduced as an emergency bill to be rushed past the voters in the legislature.

Make no mistake, this is a public bailout of Ak-Sar-Ben, whose race track business is ailing. Ak-Sar-Ben's boasted profits of \$3.1 million in 1988 boils down to \$500,000 before public tax bailouts and other special advantages. In recent years the Ak Board has borrowed \$7 million, \$5 million of which is still owed. Horse racing has been less profitable in recent years because of increased competition. The truth is, racing and other forms of gambling are volatile industries. The Thoroughbred Racing Association has said, "The general state of the industry is in decline in both attendance and handle across the U.S. The reason is increased competition in both facilities and simulcasting, etc."

Many racetracks have fallen on hard

times over the past few years. Birmingham Alabama's track lost \$52 million and is in Chapter 11. Arapahoe, outside of Denver, is in bankruptcy. Canterbury, in Minnesota, operated for three years. In its fourth year it lost \$7 million for a total loss of \$22 million. Its "parent" track in California has to pay to bail it out repeatedly.

That this legislation should be treated as an emergency--when the Ak-Sar-Ben Board of Governors has said that no sale offer has yet been made or accepted, is putting the cart before the horse. A convention center at Ak-Sar-Ben will break years of promises by politicians to sustain and improve on downtown's convention business. Downtown will suffer irreparable harm by loss of its business pioneers who have waited patiently for the promised convention center to come to fruition. All of the taxpayers' recent sacrifices for downtown Omaha will be for naught because of this appalling contradiction of common sense.

It is worth a quick look at the key players here. The bill was introduced by Sen. Bernice Labedz, and co-sponsored by five other senators including Sen. Tim Hall. Sen. Hall and Labedz often support the

same legislation, and sit on the exact same committees in the legislature. Lobbyists for Ak-Sar-Ben and Firstier are working hard to pass it.

Sen. Labedz was helped by financier Mike Yanney and many others in the corporate community for the fund raising they did to help with her legal costs over the indictment for illegal signature gathering last spring. (See Accountability and Disclosure Document from 2/5/88). Sen. Hall is employed by Yanney. It is well known that Yanney is behind the bill, and he has hired three lobbyists to promote it. It is not as clear exactly how or whether he stands to profit from the deal. Yanney's role in snowballing \$24 million in riverfront cost overruns past the taxpayers in the last 18 months will be recalled.

Omaha's mayor who has always promised support for the downtown convention site, seems to be knuckling under to pressure from this handful of individuals. Mayor Calinger may think that these men are his friends and/or contributors, but in this case they are pressuring him to go against the public will; this will hurt his chances for re-

election. Their concern is not for his career and they are confident that if he loses there will be another pliable mayoral candidate.

Omaha's city council is once again split between the decision makers and the wind testers, each of whom privately will insist on a downtown location, but only council president Fred Conley, Steve Tomasek, and Richard Takechi were willing to be put on record in support of downtown. Friend wants to see the issue laid over until after the mayoral election so that the voters do not have access to a real common sense issue.

Jim Cleary wants to sit down and have a friendly chat with the County Board that has obviously made up its mind. I predict that the January 31 (as this paper goes to press) council resolution pressing for a downtown site will contain confusing compromising language to appease the fence sitters.

The latest hilarity is Albert's about face, magnanimously offering a public vote on the issue AFTER enabling legislation is passed. He also stated that no tax dollars would be used to buy As-Sar-Ben. Albert doesn't seem to understand that the bonds are issued against our collateral, not his. The plan to relocate the auditorium and convention center away from downtown to Ak-Sar-Ben has been under way for nine months. It was concealed from the taxpayers on the bet that a few powerful interests could sweep it through the legislature without public awareness.

Opinion polls are now being used to influence uninformed people to support the Ak-Sar-Ben scheme. West Omahans natural desire to have the convention center close to home results from confusion about the purpose of a convention center. Convention centers are designed to bring visitors in from out of town, therefore must be designed for the comfort and convenience of tourists. Distinct from a festival grounds, which is used mostly by local citizens, a convention center must please out of town groups so that they'll come back to spend more money.

Visitors to Omaha have long made their preference known. Downtown's Old Market is Nebraska's number one tourist attraction. Not everyone likes to gamble, but everyone likes good food, beautiful parks, waterfront, and convenient transportation.

If the convention center is moved to Ak-Sar-Ben, we will whisk visitors away from our new \$30 million riverfront out to Ak-Sar-Ben, where Omaha will be remembered as a maze of concrete buildings and livestock barns. If you were a tourist to Omaha, would you want to pay for a 20 minute cab ride into a fenced compound where dining and entertainment choices suffer from captive audience mediocrity.

What a waste of all of our investment in downtown! This foolishness would seriously damage our ability to attract groups from other cities.

WASHINGTON



Moorer: A "Handwashing Experience" Citizen Input Limited

by Colleen Aagesen

Code Words

The Compact-promoting wordsmiths maneuver the public around all the obstacles. Listeners' visions of contamination are transformed to images of a contest. Radioactivity suddenly sound patriotic.

Consider how many of the following words are wrapped in competitive images. Before one knows it, the listener is off and running. These are but a few of the code words of nuclear waste.

Nuclear disposal:

Nuclear "storage" is more precise. Technologists have not developed a method to get rid of nuclear waste permanently.

Low-level:

"Unfortunately, more than medical booties, gloves and aprons," says activist Lynn Moorer. Includes nuclear resins, filters, and sludges and Class C wastes (dangerous for at least 100 years).

Compact:

Could also be called "Central Interstate Low-Level RAdioactive Waste Draft." Economic "benefits" notwithstanding, drafted Nebraska will assume the risk for the other states.

Finalist:

Despite beauty pageant ring, simply means a community where the nuclear dump might be built.

Tied for 3rd place; still in the competition; front-runner:

As innocuous as a track and field meet only for the communities lucky enough not to win.

Preferred site:

Sounds like a tourist spot, but actually the corporation's way of saying, "US Ecology Wants Your Community! Withdraw and we can still draft you!" So much for community consent.

Community consent:

Legal advisor Norm Thorson says, "We'll know it when we see it."

Host:

Comes from the Latin *hostia*, meaning "victim" or "sacrifice." The biological definition is also unnervingly appropriate: "an organism that provides nourishment for a parasite." But Compact promoters seized upon the most frequent use of the word: "one who entertains guests." With all the connotations of a warm welcome, the PR people certainly scored a victory when they turned a dump site into a party.

State of the art:

A state-of-the-art dump? An oxymoron at best. "Not very encouraging," activist Mark Welsch wawys, "when one considers that state-of-the-art practices in the 1950s consisted of throwing barrels of radioactive waste into the ocean."

Facility:

A more accurate word is "dump." Yet US Ecology consistently refers to its operation as a "facility," even though it lobbied Nebraska's legislature in 1987 against a ban on shallow-land burial.

US Ecology: A doubly misleading code word. "US" suggests a government agency, not a corporate rival of Westinghouse. The former Nuclear Engineering Company changed its name in 1981, joining the image of our U.S. government to environmentalists. Combine "US" with "Ecology" and the public concludes that its nuclear dump is being built by governmental environmentalists.

Environmentalist:

After the 1988 election, an environmentalist is anyone who says he is.

The Author has taught high school English in Omaha and is now doing freelance writing with emphasis on environmental issues.

They came, they sat, they had already conquered. Their executive director Ray Peery might as well have echoed the parting words of Saturday Night Live's Dennis Miller, "That's the news, Nebraska, and I am outta here!"

"The Compact Commission was only willing to come 16 blocks into Nebraska for a hand-washing exercise," said Lynn Moorer, Vice-chair of Nebraskans for the Right to Vote. Commenting on the December 14th gathering of the Central Interstate Low Level RAdioactive WAste Compact Commission that brought together commissioners from Arkansas, Kansas, Louisiana, Oklahoma, and Nebraska, Moorer said, "Nebraskans how have a foretaste of what comes with our membership in our Compact."

Moorer moved through the Dodge-Capitol meeting room at Omaha's Red Lion Inn (exactly 16 blocks west of the Missouri River, which forms Nebraska's eastern border), circulating a letter she had written to Nebraska's Compact Commissioner and Director of the Department of Environmental Control Dennis Grams. The letter called for the discussion of issues Moorer said the Compact needed to address immediately: community consent, the location of the commission headquarters, and Browning Ferris Industries. Intense citizen interest focused on the meeting for two main reasons. Speculation that US Ecology would beat its year-end deadline and announce the three finalists for the nuclear waste site drew many citizens, keeping the audience alert despite speakers who droned.

The second and chief reason seemed to center on control. "A majority of Nebraska voters chose to stay in the Compact because they believed the assurances that Nebraska has ultimate control over the waste dump rather than the Compact having control," said Linda Dangelo. A board member of Nebraskans for the Right to Vote, Dangelo said, "now we have the opportunity to see just how responsive the commissioners are to Nebraskans' concerns

Criticism Silenced

Even before the meeting began, anger surfaced in reaction to what citizens said was a transparent attempt to silence criticism aimed at the Compact. The assembly was being designated a "briefing," not a meeting. Under Nebraska's public meeting laws, the Compact commissioners would have been required to give citizens a period of public comment if it were a "meeting." But Compact Executive Director Peery said flatly that there would be no public comment.

"Why am I not allowed to talk?" asked Maxine Incontro, a prolific signature-getter in the Initiative 402 fight to remove Nebraska from the Compact. Added Bob Sabin,

at Compact Briefing

retired Air Force Lieutenant Colonel and meteorologist from the back of the four rows of spectator seats, "Why would a commissioner come from as far away as Louisiana if it weren't for a meeting?"

Peery stood by his choice of the briefing format. "There was just one item of business to take care of and you don't call a meeting for one item of business. The fact that people want to talk has no bearing. People always want to talk. This is a briefing, by staff, for commissioners, period."

As the briefing began, Peery reported what was obvious, and singularly important to everyone in attendance--that Nebraska's recent November ballot question Initiative 402, sponsored by NEbraskans for the Right to Vote, which would have withdrawn Nebraska from the Compact and put into State law a voter approval requirement before any low-level radioactive waste disposal facility could be built, had failed.

I don't think you can argue that it was a fair process, Peery said. His statement drew groans from several citizen-spectators who had supported Initiative 402 in apparent reference to the grossly lopsided imbalance in funding available to forces on either side of the issue--an imbalance in which opponents of 402 outspent proponents 53:1. He cited almost daily newspaper coverage of Nebraska's intense debate, declaring the "shared surprise" of his colleagues around the nation.

Peery went on to say that now that the Initiative 402 issue had been settled the Compact's role would decrease and the State of Nebraska's role would increase. "The Compact's powers are limited in nature," he said. "Our role will be to serve as a clearinghouse for information."

Peery then turned to one of the topics on the citizens' lists of concerns: Browning Ferris Industries. The corporate waste management giant is reportedly negotiating to take over up to 50 percent of the stock of American Ecology, US Ecology's parent company, raising concern among citizens, according to Moorer, as to who will actually build the dump in Nebraska.

BFI Deal "Not a Takeover"

US Ecology Vice President Rich Paton insisted that the deal is not a takeover. He said BFI had merely secured a loan of \$5 million to American Ecology and would add two of its own members to American Ecology's board of directors. BFI would leave US Ecology alone, Paton assured the commissioners. In fact, he said, it would be three years before it would be known whether BFI would exercise all its stockholder options.

Theresa Hayden pleaded with the breezy, "aw-shucks" Nebraska Commissioner Grams after the meeting to call a moratorium on siting proceedings for at least six months until the BFI question could be further resolved. Hayden serves on the Lincoln Mayor's Landfill Task Force, which oversees a recently developed model landfill in the capital city.

Moorer agrees that the BFI question requires delay of the whole process. "It will be too late if the dump begins to be built before the BFI question is resolved.

Peery said that the Compact cannot investigate BFI. "We don't have the staff to be an investigative body, but we will keep on top of what is going on."

Lincoln law professor and Governor Orr's nuclear waste issue advisor, said he thinks Nebraskans are being listened to, but that community consent is not necessarily a vote of the people.

US Ecology Vice President Paton's ideas about community consent were hardly more definitive: "Community consent is certainly more than one person," he said. Moorer put it more succinctly. Community consent is a vote of the people within a 10 mile radius of the proposed dump."

Paton said he was convinced that community support would only grow stronger even though many communities have withdrawn from site consideration. "We intend to open (US Ecology) offices in our three finalist communities," he told his audience, "so we expect even more interest."

Jay Ringenberg, Nebraska's Department of Environmental Control Low-Level Radioactive Waste Program Manager, summarized what he termed the "fairness" of the site selection process, in its final stages at the time of the briefing. He reviewed the past year's activities, then outlined the upcoming tests that each finalist would undergo for site suitability, explaining that Nebraska's wide weather swings required at least a year's worth of studies.

Rich Migues, Bechtel geologist, showed a map of 79 potential sites, which had eventually been narrowed down to what he called the 27 "cream of the crop" sites. Rather than naming the three finalist sites as had been promised by 1/1/89, US Ecology instead said that it is behind schedule and would not be able to complete site characterization studies until May 1990--five months behind schedule.

Despite the siting delays, US Ecology project engineer John DeOld said he is confident that the Nebraska facility could be built safely. However, DeOld, who formerly worked at US Ecology's Hanford site near Richland, Washington, said, "I'd rather build it in Washington." Describing the Washington disposal facility as a commercial island inside a federal nuclear reservation, DeOld talked about the desert-like

conditions of the Hanford area and compared them to Nebraska's much wetter climate and terrain--highlighting the greater difficulty wet conditions pose for nuclear waste disposal.

Then he pointed to the architectural scale model of the above ground design proposed for Nebraska, complete with green landscaping and tidy border of white tack-sized "monitors" which would alert the system if leakages into the groundwater occurred so that mitigating action could be taken."

Elaine Sabin, Sierra Club member and petition circulator, said she would be more comfortable with mitigating measures if Class C wastes were barred from the facility. "After the meeting I asked them to just fight allowing Class C wastes into Nebraska. But it's the same old thing. They have in their minds

ahead of time exactly what they are going to do, and they won't consider anything we say."

A youthful looking grandmother, Elaine and husband Bob are widely known in the Bellevue area for transforming their backyard into a lush habitat for wildlife. She went on, "The reason we were not allowed to talk publicly today is because they think once someone is elected to the legislature or appointed to a commission, we can no longer question them. This is a democracy?" she wondered.

Dangelo said that this Compact gathering fit the mold of project developer US Ecology's meetings throughout the year. "The public meetings have been little more than road shows."

Commissioners Observers

Even as the audience was not allowed to speak during the briefing, most of the commissioners chose not to speak. Except for the single item of business Peery said needed attention--verification that non-Nebraska states' payments for finalist community cash incentives were forthcoming--the commissioners, too, were observers. Even though Peery, at one point, said, I am not the commission, he dominated the discussion. Dangelo later observed, "Peery certainly seemed to be in charge and the commissioners were perfectly willing to let him."

"The commissioners washed their hands of us," said Moorer. "Their behavior today, unfortunately, didn't dispel this perception. Instead, they zipped their lips letting their employee Peery run interference for them," she said.

Although the commissioners agreed to make themselves available to citizens after the two hour meeting, they appeared uneasy and edgy, hastily gathering their papers to leave.

When asked, Kansas Commissioner Stan Grant said he was concerned about US Ecology's apparent unwillingness to talk to Nebraska citizens and to attend citizen sponsored meetings. He said that the developer had billed itself as deeply committed to public involvement when it made its pitch to the

oper selection process.

But as he politely answered the determined questions of a handful of Nebraska citizens, the other states commissioners and Compact employees hurried to pack their briefcases.

DeOld's assistant said the car was ready. Questions to the commissioners about the date of the next meeting and US Ecology's announcement of the three finalist sites were brushed aside.

In November, a majority of Nebraskans voted to remain in what they were told was a compact, a cooperative. But now the show was over, and the commissioners were outa there.

This time the audience wasn't laughing.



He later responded to questions about BFI's numerous violations by reminding his listeners that BFI was a big corporation that had taken over a number of "Mom-and-Pop" solid waste operations. He said that some of the fines slapped on BFI were "paper violations," which make big headlines.

Community Consent

The question of community consent was one of two issues concerning Moorer and others--issues which had also concerned Governor Orr in December, 1987, when she proposed conditions for locating a facility in Nebraska. (The other was location of the Commission headquarters, discussed in a related article.)

Peery addressed the issues rhetorically, asking a series of questions: "What does community consent mean? A majority of people signing petitions? A majority of people voting? The three houses around the site?" Some would argue you had your consent on November 8 (election day)."

Norm Thorson, University of Nebraska

The Cost of Stealth

The Stealth is intended to be nearly invisible to radar, using non-metallic composite materials designed to absorb radar transmissions rather than reflect them. According to Air Force officials, its streamlined, sweeping wing shape without tail or other vertical surfaces creates about the same image on a radar screen as a bird.

by Michael Carter

November 22, 1988. 2,000 select guests. The Air Force band playing music composed specially for the occasion. Secretary of the Air Force Edward C. Aldridge, Jr. blessing the moment by assuring the crowd that the United States "can't afford to be without" the new weapon being rolled out before them. The event: The unveiling of the B-2 bomber, better known as "The Stealth."

The B-2 looks like an escapee from a George Lucas movie. The wingspan is 172 feet, yet it is only 17 feet high. Shape like a boomerang, the Stealth has no real fuselage, no tail and no visible means of stabilizing itself while in flight. It is futuristic in technology, eerie in appearance, and expensive.

The mission of the B-2, according to Secretary Aldridge, is to penetrate Soviet radar defense and destroy two types of key strategic targets: mobile missiles and hardened command posts. Critics have claimed the plane will destabilize arms control efforts and will represent too much of a strain on the Air Force budget. Aldridge disagrees, saying, "This program is essential. It is not destabilizing."

However, the very nature of the Stealth mission profile suggests that one logical application would be in a pre-emptive strike. To neutralize mobile missiles, which the Air Force to date has not been able to locate confidently, the B-2 must destroy those missiles in their launchers. There are few scenarios involving a nuclear exchange between the U.S. and the U.S.S.R. that would suggest the Soviets would "save" their mobile missiles. Whether the U.S. war planners have first-strike intentions is a moot point from the Soviet perspective. Perception is

reality when dealing with the intangibles of nuclear war strategy.

Capability Already Exists

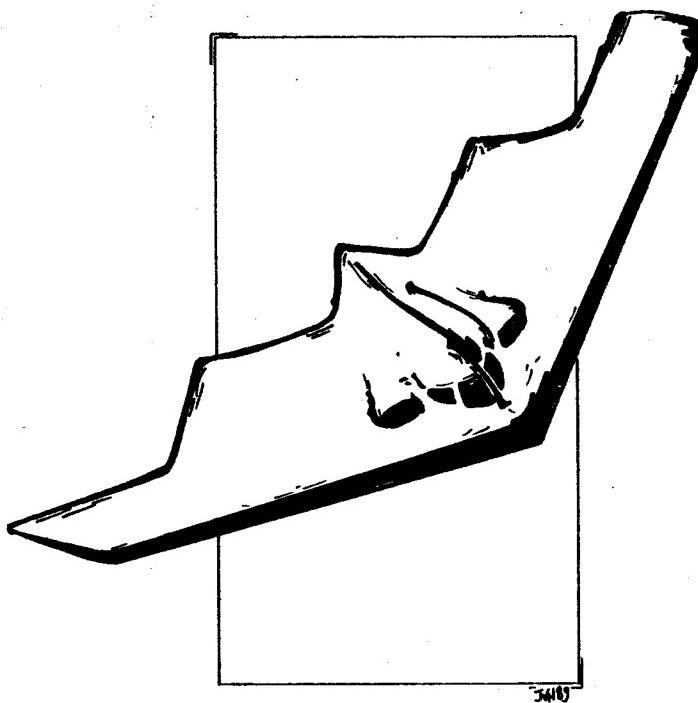
Arguments have also been made which suggest that the U.S. nuclear arsenal already has weapons at its disposal which will accomplish the B-2's mission with the same accuracy at less cost. Soviet hardened command posts are threatened by the improved accuracy of American land- and sea-based missiles, as well as from new warheads now on the drawing board. One estimate, from the Christian Science Monitor, has projected that putting 1,700 advanced cruise missiles on B-1 bombers would give the U.S. the same capability as the Stealth for a tenth of the cost.

Cost projections on the B-2 have ranged from \$66 to \$80 billion even before the high-tech bomber has taken one test flight. Price-per-plane estimates range from \$500 to \$850 million. The Air Force reportedly would like a fleet of 132 planes. Total yearly cost for planes alone--not including replacement components, training for crews, operations and maintenance, special hangars to protect stealth features, upgrades, etc., could be estimated at one tenth the cost of the whole 132 plane fleet, presuming they are deployed over a ten year span. This comes to about \$7 billion per year. The pentagon justifies this expense as necessary in order to assure U.S. military dominance into the 21st century.

The Stealth is not the only strategic modernization program on the books. President Bush has also pledged support for the Trident D-5 program, the Midgetman mobile missile, additional MX missiles and the advanced cruise missile.

Nebraska Impact

Figures in the billions are difficult to conceptualize in a way that demonstrates the impact on such spending on the local level. Studies of the economic impact of the arms race in Nebraska have arrived at figures that track how much money leaves the state in tax support for specific weapons programs. For instance, in FY'86 Nebraska



taxpayers contributed \$18.958 million to the Trident D-5 program, \$24 million to the Strategic Defense Initiative, and \$7.747 million to the MX program.

According to figures determined by President Reagan's hand-picked Grace Commission, \$30 billion of the FY 86 national budget has gone to military waste, fraud, and abuse. Nebraska's share of that total was \$183 million. Using the same ratios for the B-2 Stealth program (with an estimated cost of \$70 billion) Nebraska's share of the total project is approximately \$427 million.

With government defense expenditures for modernization programs exceeding state and local expenditures for services most people consider vital (in some cases by 100 to 300 percent), the B-2--a high-tech, experimental weapon with specialized applications--may be in for some turbulence on the floor of Congress. The fact that the Air Force unveiled the Stealth program, which

had been top secret "because of the need not to compromise design technology," is evidence of the fight it may face; leaders like Secretary Aldridge know that the taxpayer has to see what he or she is paying for, especially with a price like the Stealth's

B-1's Similar Statements

The B-2 Stealth bomber is a weapon the United States "can't afford to be without," according to the Air Force Secretary. Similar statements were made in support of the B-1 bomber, which has been riddled with so many problems that some doubt its ability to fly its stated mission.

Even if the Stealth, which relies on technology more advanced than that of the B-1B, can be developed and deployed, its cost must be a concern for state, local, and federal politicians who represent constituents clamoring for better schools, more jobs above the minimum wage, an answer to the plague of drugs, and a stronger local economy.

Comadre's Heroine America Sosa's Message of Peace

by Frances Mendenhall

The Salvadoran resistance is known as the FMLN, the Faribundo Marti front for the National Liberation. Last week they proposed some conditions which would enable them to participate in the next election, a possibility excluded by the level of violence directed at many of their candidates in the past. Included in the request was a postponement of the election from March until September.

The World-Herald spent more ink editorially denouncing the idea than it did in the original coverage. You would think that they would care enough about the problems of El Salvador to give some coverage to the visit to Omaha a few days later by America Sosa, a courageous Salvadoran woman with a message of peace.

Sra. Sosa did get her message delivered to crowds at a conference at the Notre Dame Center, and at a program at the First Unitarian Church. But her host, Marge Farmer, asked if WHAMO would also print a bit of her story.

We will indeed.

by America Sosa

I represent CoMadres, of El Salvador, the Committee of mothers of families of disappeared prisoners and political assassinations.

Our basic objectives are the liberty of the captive prisoners and the 7,000 disappeared as well as the punishment of those guilty of the more than 70,000 murdered. We seek respect for human rights.

For eleven years the work of the mothers has gone on constantly at both the national and the international level, with Amnesty International, with the United Nations in international women's forums and with peace and religious organizations. All these efforts are to bring the voice of our people to international hearing and in the search of a peaceful solution of the conflict which El Salvador is living.

For doing all this work, the Salvadoran government, the political parties on the right, the military, and the armed forces accuse us of being communist and terrorists.

But the people whom we help in cases of persecution and repression, as well as internationalists who are in solidarity with the cause of justice and human rights know us and recognize the humanitarian work

which we carry out.

It is for this reason that we have hope with the recent proposal of Farabundo Marti Front for the national liberation. It consists in postponing the March elections until September, for the preparation of conditions which would guarantee free elections with general participation and without military pressure, with international vigilance, but without the domestic participation of the United States and with participation of the church and civilian sector.

This would create an environment of trust and credibility for the people. From this point of view, as a sector of humanitarianism, and inspiration, we support this proposal and ask that the American people support us in this initiative to obtain a political solution.

Thoughts for Soft Skulls



Drug Runner for Contras Hospitalized During Trial

from the Tico Times.

San Jose, Costa Rica, Friday, January 27, 1988

The trial of prominent U.S.-Costa Rican contra supporter John Hull, who was hospitalized this week and late yesterday was reported in "very bad shape," will be held in San Carlos, the place where the alleged drug trafficking and violation of Costa Rica's neutrality took place, a judge ruled Thursday.

Hull was denied bail this week and two of his alleged associates were sought, including one who is the brother of contra political leader Alfredo Cesar.

The San Carlos rancher, complaining of chest pains, was taken from San Sebastian prison to Hospital Mexico on Monday. He was moved into the intensive-care unit on Tuesday (January 31) where he remains.

His situation is very bad, very delicate," said Dr. Max Pacheco, his personal physi-

cian, who added Hull showed symptoms of a heart attack. "He is in danger of dying."

For almost 24 hours after his admission to the hospital on Monday (January 23), the once-powerful Hull was handcuffed to his hospital bed. After complaints by doctors that this violated his human rights, guards insisted on a written order before taking the handcuffs off the 68-year-old. Dr. Pacheco said as soon as Hull feels better, he will call a press conference to denounce authorities for mistreating him.

"He is not an animal," said Pacheco.

On Thursday, Judge Leovigildo Rodriguez on the San Jose-based 4th Court of Instruction ruled that Hull's trial should be held in San Carlos. When Hull is able to travel, he will be transferred to the jail at San Carlos, which is in the northern area near the Nicaraguan border.

Under the new drug law signed into effect last year, bail is automatically denied

to accused drug traffickers. However, Hull's lawyer, Elda Zuniga, had been arguing that Hull should be released on bail because the charges against him date to 1984, before the new law took effect. Zuniga will now have to take Hull's plea for bail to a higher court.

Hull, a tall, balding native of Evansville, Indiana, has lived in Costa Rica for over 20 years, operating and supervising citrus and cattle ranches in the northern San Carlos basin near the Nicaraguan border. The naturalized Costa Rican rejected persistent rumors that he was a CIA operator or that he cooperated in contra supply operation--a violation of Costa Rica's neutrality--until the Iran-Contra scandal broke in 1986. Six months later, he admitted in an interview with The Wall Street Journal that he worked with the CIA to help the contras' southern front.

That same year, reports surfaced in the United States that drugs had been flown

out of Costa Rica to Florida in exchange for southbound arms shipments. George Morales, pilot who is serving time in a Florida prison on drug-trafficking convictions, testified before the U.S. Senate that he ran guns into Costa Rica and took out cocaine, using Hull's ranch. Morales and two other pilots said the same thing when interviewed for the CBS program "West 57th Street."

In connection with the Hull case, Costa Rican authorities this week issued summons for Octaviano Cesar, brother of contra political leader Alfredo Cesar, and Gerardo Duran, a Costa Rican pilot.

Authorities say Octaviano Cesar contracted the services of Morales, who in turn sought pilots who knew Central America well, apparently including Duran and Marcos Aguado, in 1983. Officials say the pilots made about 20 flights in May and June of 1984, of which 16 came from El Salvador and involved drugs and gunrunning.

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Legislative Preview

Of the 808 bills introduced in the Nebraska Legislature's 1989 session, measures expected to engender fierce debate relate to living wills and reproductive rights.

LB 479, introduced by Senator Landis is the Rights of the Terminally Ill Act. "Recognizing the right of an adult...to make a written declaration instructing his or her physician to withhold or withdraw life-sustaining treatment in the event of a terminal condition; it relieves health care providers of liability for following the procedures provided in the "living will." The act does not require actions "contrary to reasonable medical standards; nor does it prohibit actions, including the provision of nutrition and hydration, deemed necessary for "comfort care or alleviation of pain. The measure will be heard by the Judiciary Committee.

LB 769, introduced by Senator Labedz and 28 other senators, requires that both parents of a minor seeking an abortion be notified in writing or allow a judicial determination. No notice is required when the abortion would save the life of the mother or if the minor declares she is a victim of sexual or physical abuse or neglect, and notice has been given to proper authorities. Violation of the law would be a Class I misdemeanor, which carries a penalty of up to one year in jail and a \$10,000 fine. The Judiciary Committee will hear the bill.

The Health and Human Services Committee will consider LB's 187, 338, and 378 which relate to delivery of health services.

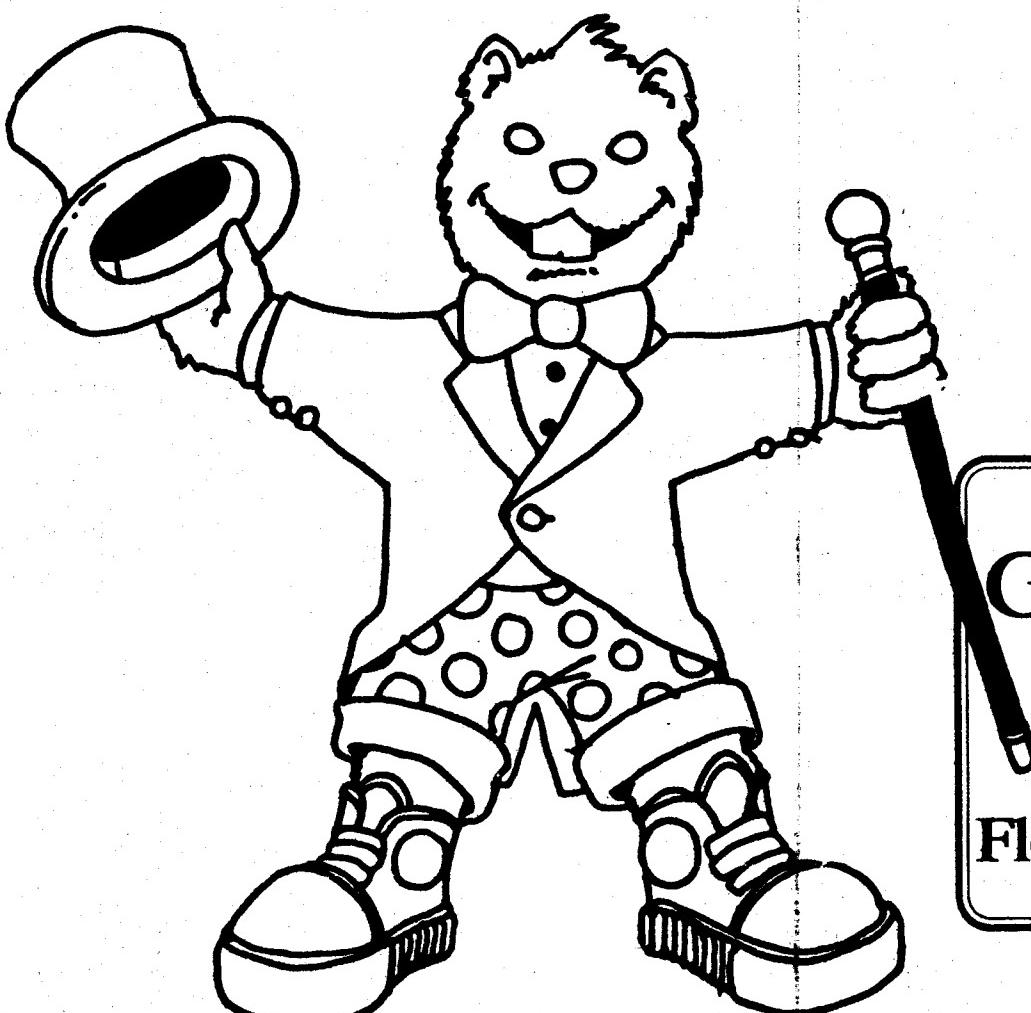
LB 187, sponsored by Senators Lynch, Lindsay, and Labedz, requires the Department of Social Services to make medical care available by July 1, 1990, to persons

who meet federal poverty guidelines and whose assets do not exceed \$10,000 in home equity and \$1,500 in auto equity. It holds care providers accountable for quality and costs of services. Heard in committee 1/19. Not yet voted out of committee.

LB 338, sponsored by the Health and Human Services Committee, is the Community Public Health Services Act. It establishes six service regions, each with a "core team" that coordinates and expands existing community public health services to minimize duplication and increase efficiency and provides technical assistance, consultation, and continuing education to local public health personnel. The measure allows the Department of Health to provide and charge for public health services within each region. It also establishes regional advisory councils. Heard in committee 1/27/89.

LB 378, introduced by Senators Schellpeper and Dierks, creates and funds an office of Rural Health in the Department of Health. The office would collect data concerning health care needs statewide, assist in recruiting and retaining rural health care professionals, and develop and establish alternative health care delivery systems. It creates an advisory committee of nine. Heard in committee 1/27/89.

The Education Committee will hear LB 514, sponsored by Senators Schiimek and Baack, which requires health education in schools to include personal health and physical fitness, mental and emotional health, prevention and control of disease, nutrition and weight control, drug use and abuse, accident prevention and safety, community and environmental health, consumer health, family life education, and death and dying.



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